

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHAD CHOLETTE, individually and on  
Behalf of other similarly situated,

Plaintiff,

vs.

INSTALLPRO, INC., a Utah Corporation,  
d.b.a IPRO, Inc. in Nevada,

Defendant.

Case No.: 2:10-cv-02153 APG-VCF

COMPLAINT DATE: 12/12/2010

**ORDER GRANTING FINAL  
CERTIFICATION OF COLLECTIVE  
ACTION; APPROVING  
SETTLEMENT OF FAIR LABOR  
STANDARD ACTS CLAIMS; AND  
APPROVING AWARD OF  
ATTORNEYS' FEES AND COSTS**

Having read and fully considered Motion for Final Certification of Collective Action; Approval of Settlement of Fair Labor Standards Act Claims; and Approval of Attorneys' Fees and Costs and all other documents on file in this matter, the Court finds the conditionally certified class members are similarly situated and that the Settlement is fair, reasonable, and adequate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. Final class certification is granted to the conditionally certified class. The

1 Court finds that based on facts set forth in the moving papers, “(1) the disparate factual  
2 and employment settings of the individual plaintiffs, (2) the various defenses available to  
3 the defendant which appear to be individual to each plaintiff, and (3) fairness and  
4 procedural considerations” weigh in favor of final certification. *See Burkholder v. City of*  
5 *Fort Wayne*, 750 F. Supp. 2d 990, 993 (N.D. IN 2010); *Carter v. Anderson*  
6 *Merchandisers, LP*, 2010 U.S. Dist. LEXIS 55581, \*14 (C.D. Cal. 2010). Kathleen  
7 Hartman and Callahan, Thompson, Sherman & Caudill, LLP are appointed as class  
8 counsel.

9 2. The Settlement Agreement attached at Exhibit 1 to the Declaration of  
10 Kathleen Hartman and submitted with the moving papers is determined to be fair,  
11 reasonable, and in the best interests of the class. It is, therefore, approved. With respect  
12 to the determination that the Settlement Agreement is fair, reasonable and adequate, the  
13 Court specifically notes that the outcome of a trial on the merits was by no means certain,  
14 this Action involved highly complex factual and legal issues, the Settlement Agreement  
15 was reached with the participation of a highly-respected mediator during a long  
16 mediation session, and the monetary terms of the Settlement reflect substantial benefits to  
17 the class members.

18 3. It is further ordered that each and every term, provision, condition, and  
19 agreement of the Settlement Agreement are adopted, incorporated and made part of this  
20 Order and shall be effective, implemented, and enforced as provided in the Settlement  
21 Agreement.

22 4. Based on the materials submitted by Class Counsel in support of an award  
23 of attorneys’ fees and costs, which is unopposed by Defendants, Class Counsel is  
24 awarded \$150,000.00 as compensation for time spent on this litigation and costs incurred.

25 5. The Court retains jurisdiction over the settlement of this case and may enter  
26 additional orders to effectuate the fair and orderly administration of the settlement as may  
27 from time to time be appropriate.

1           6.       Within five (5) days after payment of the Settlement Amount to the class  
2 members and the attorneys' fees and costs to class counsel, class counsel will file a  
3 stipulated motion for dismissal with prejudice and a proposed order of dismissal with  
4 prejudice.

5           IT IS SO ORDERED.

6           Dated: November 15, 2013.

7 

8 

---

UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CTSC|law  
CALLAHAN THOMPSON SHERMAN & CAUDILL LLP